

"6. Period of operation and cancellation of notification.

- (1) Subject to the provisions of sub-section (2), a notification issued under section 3 shall if the declaration made therein is confirmed by the Tribunal by an order made under section 4, remain in force for a period of two years from the date on which the notification becomes effective.
- (2) Notwithstanding anything contained in sub-section (1), Central Government may, either on its own motion or on the application of any person aggrieved, at any time, cancel the notification issued under section 3 whether or not the declaration made therein has been confirmed by the Tribunal".

It may be pertinent to observe here that in the original Bill there was a proviso of clause (1) empowering the Government to continue the ban under certain circumstances even beyond two years. The said proviso was, however, omitted on the recommendation of the Joint Committee which was of the opinion that it was not desirable that the Government should have the power to continue the ban on unlawful association without a fresh judicial determination with regard to such continuation.

There are some of the provisions of the Act which will be relevant for the purpose of the present enquiry.

It may also be expedient at this stage to refer briefly to the history of the organisations in question, their aims and objectives and also the notifications under section 3(1) of the Act made in the past from time to time declaring these organisations as unlawful. It is not necessary for the present enquiry to go into the history of the Meitei Extremist Movement dating back to the year 1966. To know the aims and objectives of these organisations and their past activities it will be sufficient to relate back to the year 1979 when by notification dated 26-10-1979 two of these organisations viz., People's Liberation Army (PLA) and People's Revolutionary Party of Kangleipak (PREPAK) were declared unlawful by the Central Government. The grounds on which they were declared unlawful were that these organisations had openly declared as their objectives the formation of an independent Manipur comprising the State of Manipur and have resorted to violent activities in pursuance of their objectives and bring about cession of the said State from the Union of India, (ii) had been employing armed forces, namely, the so called People's Liberation Army and the Red Army and the other bodies set up by them, to achieve their aforesaid objective, (iii) had, in furtherance of their aforesaid objective been employing the said armed forces in attacking the Security Forces and the Civil Government and the citizens in the State of Manipur, and indulging in acts of looting, intimidation against the civilian population and collection of funds for their organisations; and (iv) had, to achieve their aforesaid objective, maintained

contacts with foreign countries through their organisations with a view to securing financial assistance and assistance by way of arms and training and had secured such assistance. For these reasons the Central Government being of the opinion that these organisations were unlawful declared them to be unlawful under sub-section (1) of section 3 of the Act by the aforesaid notification. This notification was referred to the Tribunal as contemplated by section 4 of the Act. The Tribunal, on consideration of the various materials before it, by its order dated 29-3-1980 confirmed the declaration made by the Government in the aforesaid notification. In its order the Tribunal observed as under:—

"On perusal of these documentary evidence I have no manner of doubt that there are enough materials at the disposal of the Central Government to hold that the open and declared objective of "the Meitei Extremist Organisations" are to form an independent Manipur and they resorted to violent activities in pursuance of their objectives and to bring about cession of the said State from the Union of India. It is also evidence from the evidence adduced and mainly the documentary evidence that the association have been employing armed forces named and styled by them as People's Liberation Army, the Red Army and some other bodies set up by them to achieve their objectives. I have no hesitation in holding, on perusal of the documents, that "The Meitei Extremist Organisations" have and are employing armed forces named above in order to achieve their aforesaid objectives."

The Tribunal further found that these organisations in furtherance of their aforesaid objective had employed their armed forces in attacking security forces, civil Government and citizens in the State of Manipur and indulged in acts of looting and intimidation of the civilian population and had also been collecting funds for their organisations. The fund existing by the Tribunal. The Tribunal also observed that these organisations continued to maintain contacts with foreign countries with a view to secure financial assistance and assistance by way of arms and training and had in fact secured such assistance. In the light of these findings, the Notification declaring these organisations as unlawful was confirmed by the Tribunal.

As the period of operation of Notification made under section 3 (1) of the Act is two years from the date on which it becomes effective the Notification dated 26-10-1979 was to expire on 26-10-1981. On that date the Central Government made a fresh Notification under section 3 (1) of the Act declaring these two organisations namely PLA and PREPAK as unlawful. This Notification was also referred to the Tribunal which confirmed the same by its order dated 25-3-1982. Fresh Notification was again made on the expiry of two years on 26-10-1984 declaring the two very organisations as unlawful. This too was confirmed by the Tribunal by its order.

dated 26-10-1985 the Central Government again declared these organisations as unlawful. This Notification was also confirmed by the Tribunal.

On the expiry of the term of aforesaid Notification another Notification was made on 26-10-1987, under section 3(1) of the Act. By this Notification, in addition to the two organisations which were declared unlawful from time to time since 1979 namely People's Liberation Army (PLA) and People's Revolutionary Party of Kangleipak (PREPAK), one more organisation namely United National Liberation Front (UNLF) was also declared unlawful. The reasons for the declaration were more or less the same as specified in the earlier notifications. This notification was also referred to the Tribunal. The Tribunal, in addition to the material produced before it, also considered the history of all these three organisations, in regard to the aims and objectives of the earlier two organisations namely PLA and PREPAK, it referred to the various documents and also the findings of the earlier Tribunal. In regard to United National Liberation Front (UNLF), which had for the first time been declared unlawful by the aforesaid notification dated 26-10-1987, it observed that this organisation had become very active in the pursuit of its avowed object, among others, to achieve an independent Manipur after secession from the Union of India through armed revolution. From the material on record the Tribunal further found that in course of time it had transformed itself into a militant organisation with an avowed object to achieve an independent Manipur. Considering the material on record and the evidence of the witnesses, the Tribunal confirmed the Notification dated 26-10-1987 declaring all the three organisations namely PLA, PREPAK and UNLF as unlawful. Further notification issued on 26-10-1989 declaring these three organisations as unlawful was again confirmed by the Tribunal by order dated 16-5-1990. It was held that on a careful consideration of the documents produced before it, it was clear to it that these organisations namely, People's Liberation Army (Eastern Region) (PLA), People's Revolutionary Party of Kangleipak (PREPAK) and Red Army and its offshoots and United National Liberation Front (UNLF) had continued to pursue their aims and objectives to secede from the Union of India by unlawful armed activities, such as killing innocent People including the security forces, committing robberies and dacoities, looting individuals, Banks, business houses and Government treasuries, forcible collection of funds besides contacts with similar elements in foreign countries like Bangladesh, Burma and China to procure arms and ammunitions and training for their members and that in view of these activities there was sufficient cause for the Central Government to declare these organisations as unlawful by notification dated 26-10-1989.

The aforesaid notification after being confirmed by the Tribunal, was to continue for a period of two years from that date unless cancelled earlier by the Central Government in exercise of the powers conferred on it under subsection (2) of section 6 of the Act. The Central Government did not pass any such order during the period of two years cancelling the said notification. On the other hand, on the expiry of this notification of 1989, it made the notification

under reference dated 26-10-1991 again declaring these three organisations as unlawful. It is this notification which has been referred to this Tribunal for adjudicating whether or not there was sufficient cause for declaring these associations as unlawful.

I shall now examine the relevant materials placed before me by the Central Government and the Government of Manipur in support of the notification under reference in the light of the legal provisions set out above and the history of these organisations, their aims and objectives, their past activities, and the findings of the Tribunals constituted from time to time which have been already stated above.

The reasons for this fresh notification and set out therein are that the organisations (1) have openly declared as their objective the formation of an independent Manipur comprising the State of Manipur and have resorted to violent activities in pursuance of their objective to bring about secession of the said State from the Union of India; (2) have been employing armed forces to achieve their aforesaid objective; (3) have in furtherance of their aforesaid objective been employing the said armed and the Civil Government and the citizens in the State of Manipur, and indulging in acts of looting and intimidation against the civilian population for collection of funds for their organisations; (4) have made some efforts to resume their contacts with foreign countries for securing assistance by way of arms and training for the purpose of achieving their aforesaid objective.

So far as the first ground is concerned it is clear from the foregoing discussion about the various notifications under section 3(1) made, ever since 1979 and the reports of the Tribunal thereon that these organisations with their objective of procuring secession of Manipur from the Union of India and for creation of independent Manipur with the assistance of the similar elements from the foreign countries had been over the years indulging in unlawful activities. There is nothing to indicate any change in the aims and objectives of any of these three organisations during the relevant period.

So far as the other grounds are concerned as earlier indicated, the Central Government and State of Manipur have produced materials and documents to show that there was sufficient cause for declaring the associations in question to be unlawful. I have carefully considered all such material including the affidavits filed on behalf of the Central Government and State of Manipur and also the concerned files, reports of the concerned Ministries including the Ministry of Defence, Intelligence Bureau, RAW and also the State of Manipur, I have also considered the depositions of : (1) Mr. A. Banerjee, Deputy Secretary, Ministry of Home Affairs, Government of India, New Delhi. (2) Mr. K. H. Mohendro Singh, Deputy Secretary, Home Department, State of Manipur, and (3) Mr. C. Peter D.I.G., C.I.D., State of Manipur.

I have perused all the material state above. On careful consideration of the entire material and information made available to me, I am satisfied that the grounds stated in the notification do exist. Despite

these organisations being declared illegal from time to time ever since 1979 they still continue to be as effective as they were in the past. There is no change in their aims and objectives which evidently are secessionist. They have been and are still active. They have been committing various crimes to achieve their secessionist goal. They also have their foreign contacts and are maintaining bases in neighbouring foreign countries for procuring arms and getting training in guerilla warfare. Considering all these factors and the totality of the facts and circumstances set out above, I am satisfied that there was sufficient cause for declaring the three associations in question namely, People's Liberation Army (Eastern Region) (PLA), People's Revolutionary Party of Kangleipak (PREPAK) and its 'Red Army' as also the offshoots of PREPAK like the Kangleipak Communist Party

and its armed wing also called the 'Red Army' and the United National Liberation Front (UNLF) to be unlawful. Accordingly, I confirm the Notification No. S.O. 729(E) dated 26-10-1991 issued by the Central Government under section 3(1) of the Act declaring these three organisations as unlawful.

New Delhi

DATED : 16-4-1993.

DR. B. P. SARAF, Tribunal

[File No. 11/34/91-NE. I]

B. P. SINGH, Jt. Secy.

